FILED
JUL 07 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA '08 MJ 8603

UNITED STATES OF AMERICA, Plaintiff, v. Jorge MONTES-Leyva (1), Juan Pedro SIDA-Arellano (2), Aldo MIRAMONTES-Carrillo (3), Jovann Alfredo ALONSO-Perez (4) Defendants.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952,960 and 963 Conspiracy to Import Controlled Substance

The undersigned complainant being duly sworn states:

That on or about July 4, 2008, within the Southern District of California, defendants Jorge MONTES-Leyva, Juan Pedro SIDA-Arellano, Aldo MIRAMONTES-Carrillo, and Jovann Alfredo ALONSO-Perez, did knowingly and intentionally conspire to import, and attempt to import, approximately 971.20 pounds of marijuana, a Schedule I Controlled Substance, into the United States in violation of Title 21, United States Code, Sections 952, 960 and 963.

The complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.

Paul Lewenthal, Senior Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 7th day of July 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Paul Lewenthal, declare under penalty of perjury, the following is true and correct:

On July 4, 2008, Jorge MONTES-Leyva and Juan Pedro SIDA-Arellano entered the United States illegally through the open desert east of Calexico, California. MONTES was the driver of a red 2001 Jeep Cherokee bearing Sonora, Mexico license plates VVV7544. SIDA was a passenger in the vehicle. Immigration and Customs Enforcement (ICE) agents detained MONTES and SIDA and discovered 971.20 pounds of marijuana in the cargo area of the vehicle. One package was probed, revealing a green leafy substance, which tested positive for marijuana. MONTES and SIDA were placed under arrest.

As the Jeep Cherokee was being followed by agents, a black 1992 Lexus bearing California license plates 5PIL607 was identified as a "scout vehicle" for the Cherokee. The Lexus was pulled over by Imperial County Narcotics Task Force officers, who were assisting ICE. The driver, Aldo MIRAMONTES-Carrillo, and a passenger, Jovann ALONSO-Perez, were arrested.

MONTES, SIDA, MIRAMONTES and ALONSO were advised of their Miranda Rights, which they acknowledged and waived and agreed to answer questions without the presence of an attorney.

MONTES acknowledged the presence of the marijuana within the vehicle he was driving. According to MONTES he was going to be paid $2,000 for crossing the marijuana-laden vehicle into the United States. MONTES stated men in Mexico told him to park the marijuana-laden vehicle at a gas station near Highway 111 and Interstate 8. MONTES stated once in the United States he was directed to a gas station via cellular phone. MONTES admitted to knowing a man in Mexicali named "Aldo" but would not identify him. MONTES stated his role was to drive the marijuana-laden vehicle to the gas station and parking it. MONTES had nothing to say about SIDA.

SIDA stated he knew there was marijuana within the vehicle he was riding in with MONTES. SIDA denied he was going to be paid any money to smuggle the marijuana into the United States. SIDA stated he has known MONTES for about four years. SIDA stated he wanted to enter the United States and asked MONTES to help him. SIDA stated MONTES knew smugglers and he and MONTES discussed a $2,000 smuggling fee. SIDA stated MONTES received instructions to be careful before they drove into the United States.

MIRAMONTES acknowledged he knew that MONTES was smuggling marijuana into the United States. MIRAMONTES stated he was acting as a "scout" for MONTES. According to MIRAMONTES, he was going to be paid $2,500 for his role in the smuggling venture. MIRAMONTES stated he was scouting Highway 98 in the area of where MONTES was going to drive the Cherokee into the United States. MIRAMONTES stated he talked to MONTES numerous times throughout the night, the first being about forty minutes before he was arrested.

ALONSO admitted he was also acting as a "scout" for the Cherokee, stating MIRAMONTES was going to pay him for his help. ALONSO stated MIRAMONTES asked him for help on the morning of July 3, 2008. ALONSO stated MIRAMONTES told him a Jeep Cherokee would cross over a bridge outside of Calexico "loaded" with narcotics. ALONSO stated MIRAMONTES and him were scouting the area where the Cherokee was going to cross. ALONSO stated MIRAMONTES was communicating with someone in Mexico that the area was clear of Border Patrol before the Cherokee crossed over the bridge.

ALONSO stated MIRAMONTES was able to communicate with MONTES once he arrived in Holtville, California in the marijuana-laden vehicle. ALONSO stated the Cherokee left Holtville and MIRAMONTES followed MONTES. ALONSO stated they were going to meet MONTES at a gas station.

MONTES, SIDA, MIRAMONTES and ALONSO were processed and transported to the Imperial County Jail to await an initial appearance before a U.S. Magistrate Judge.

Executed on July 5, 2008 at 1400 HRS

[signature]
Paul Lewenthal, Special Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page (s), I find probable cause to believe that the defendant (s) named in this probable cause statement committed the offense on July 4, 2008 in violation of Title 21, United States Code, Section 952, 960 and 963.

[signature]
William McCurine Jr., U.S. Magistrate Judge
7/5/08